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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,789	01/11/2002	Rainer Sommer	10191/2209	3038

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NEW YORK, NY 10004

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/045,789

Applicant(s)

SOMMER, RAINER

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-28-05</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2-28-2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 through 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the limitations of direct selection of control parameters and indirect selection of control parameters by algorithmic processing of a plurality of bit positions but the specification does not make the difference clear. For direct selection the specification states that one bit position is mapped to a memory location(or locations) in the code memory, but in the case of indirect selection multiple bit positions are used to find a location in code memory. How is that direct versus indirect

algorithmic processing? Both ways of selection state that for a bit or bits combination look to a specific a memory location or locations.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volkswagen official factory repair manual for model year 1999 Jetta/Golf/GTI, in view of Gormley, 5513107.

5. Volkswagen discloses means for indirect selection of control parameters from the means for storing control parameters by algorithmic processing of values of a plurality of bit positions of the version coding on page 1-29 through page 1-32; direct selection of control parameters from the means for storing control parameters as a function of individual bit positions of the version coding on page 1-32; the means for selection is adapted to read control parameters which are contained in the version coding on page 1-32; and means for reading control parameters contained in the version coding on page 1-32. Volkswagen does not disclose means for storing a plurality of control parameters for the different vehicle version; means for storing a version coding for customizing the vehicle controller for a predetermined vehicle version, the version coding having a plurality of bit positions; and the control parameters pertain to values of an electric unit. Gormley teaches means for storing a plurality of control parameters for

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the different vehicle version on lines 5-7, on column 7; means for storing a version coding for customizing the vehicle controller for a predetermined vehicle version, the version coding having a plurality of bit positions on lines 37-48, on column 4; and the control parameters pertain to values of an electric unit on lines 7-18, on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Gormley in the invention of Volkswagen because while Volkswagen discloses adapting the controller to a version of a car, Volkswagen does not disclose how the controller will know how to communicate and process the information from the systems in that version of the car. Gormley provides a way to provide that information. For example, the coding in Volkswagen allows specification that there is a brake pad sensor, a seatbelt warning, and a washer fluid level on page 1-32, and then on page 1-6, Volkswagen discloses that the sensors that are available are monitored and DTC can be stored when there are errors. There needs to be some programming or control parameters that are activated when the controller is coded for a vehicle with a brake pad sensor, a seatbelt warning, and a washer fluid level that tells the controller how to interact with this equipment.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volkswagen official factory repair manual for model year 1999 Jetta/Golf/GTI, in view of Gormley, 5513107, as applied to claims 1, 5, 7, and 11 above, and further in view of Becker et al., 6184661.

7. Volkswagen and Gormley disclose the limitations as set forth above. They do not disclose the electric unit is a generator. Becker et al. teach of a parameter map for

an alternator on lines 19-25, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control parameter setting of Volkswagen and Gormley with the teachings of Becker because such modification would allow the configuration of operating subsystems as disclosed in Gormley. Gormley discloses setting parameters for various subsystems in a vehicle and lists several examples. While an alternator or generator is not specifically cited one of ordinary skill in the art would know that any subsystem that has parameters that can be set could be set with Gormley.

#### ***Response to Arguments***

8. Applicant's arguments filed 5-16-05 have been fully considered but they are not persuasive. The argument that the Manual does not disclose bit positions is not convincing because even though the codes are entered in base 10 numbers, it is inherent when storing information in a computer system that it will be stored and processed in binary. All current microprocessor systems are based on binary.

9. The argument that a single value in a code position one refers to a single piece of equipment is not convincing since positions 1 and 2 are added together to indicate brake pad sensor, seatbelt warning, and washer fluid level as included equipment. For instance, if a vehicle has all three of these items a value of "07" would be entered. Please refer to citation 1 at the bottom of the table.

10. The argument with respect to the 35 U.S.C. 112, first paragraph, rejection is not convincing. The argument states that with direct assignment and two bits only four locations can be addressed. But even if you are using "indirect selection" there are only

four possible vehicle version. Is indirect selection simply using a memory map to point to several memory locations instead of one for each bit pattern? How is that algorithmic processing? The argument also states that based on an algorithm the processing unit may provide different memory locations for the same two bit combination of the vehicle version code, depending on the step of the algorithm being executed. How does this work? None of this is enabled in the specification.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

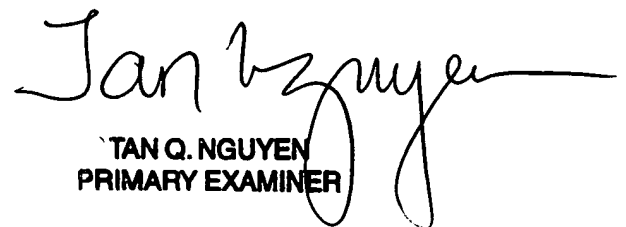
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
BJB

  
TAN Q. NGUYEN  
PRIMARY EXAMINER